

REMARKS

The Office Action dated January 30, 2006, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 1, 6 and 13-15 are pending and respectfully submitted for consideration.

Rejections Under 35 U.S.C. § 103

Claims 1, 6, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita et al. (U.S. Patent No. 4,781,976, "Fujita") in view of Yoshimi et al. (U.S. Patent No. 4,721,642, "Yoshimi"). Claim 14 depends from claim 1 and claim 15 depends from claim 6. With respect to claim 1, the Office Action took the position that Fujita discloses many of the claimed elements of the invention with the exception of when the amount of synthetic resin mixed for forming the skin body is defined as 100 parts, the amount of infrared-ray reflective pigment mixed is in a range of from 0.3 parts to 10 parts, and the surface of the skin is a sueded, roughened surface having pluralities of recesses and projections. With respect to claim 6, the Office Action acknowledged that Fujita also does not disclose that the amount of synthetic resin mixed for forming the upper layer body is defined as 100 parts, the amount of infrared-ray reflective pigment is in a range of from 0.3 parts to 10 parts, and the surface of the upper layer is a sueded, roughened surface having pluralities of recesses and projections. Yoshimi was cited for curing these deficiencies. The Applicants traverse the rejection and respectfully submit that claims 1, 6, 14 and 15 recite subject matter that is neither disclosed nor suggested by the cited references.

Claim 1 recites a skin of a seat for a vehicle comprising a skin body made of a synthetic resin and that the surface of the skin is a sueded, roughened surface having pluralities of recesses and projections dispersed therein.

Claim 6 recites a skin of a seat for a vehicle comprising a lower layer body made of a synthetic resin, and carbon black dispersed in the lower layer body.

Fujita discloses a skin covering 1 comprising a laminate of a surface layer 2, a foam layer 3 and a back layer 4. See column 3, lines 39-41 of Fujita. The surface layer is formed by using a composition comprising the high polymerization PVC and conventional other additives such as plasticizers, stabilizers, catalysts, fillers, pigments, and the like. For instance, the composition is a plastisol comprising a high polymerization PVC; and a filler (e.g. calcium carbonate, carbon black, bentonite, titanium oxide, ferric oxide, talc, etc.). See column 2, lines 27-53 of Fujita. For the foam layer (b), there is used a blend of a crosslinking PVC and a low polymerization PVC. The foam layer is formed by using a composition comprising a blend of a crosslinking PVC and a low polymerization PVC and conventional additives such as foaming agents, foaming auxiliary, plasticizers, stabilizers or catalysts, fillers, pigments, and the like. See column 2, line 54 to column 3, line 8 of Fujita.

Yoshimi discloses a finished article with decoration which is soft to touch and which makes the interior of an automobile look elegant on account of a suede-like appearance and smooth touch. The decorated article is composed of a base portion and a coating layer formed thereon, the coating layer being made of a polyurethane resin cellular paint having fine bubbles therein and producing a velvety touch. See column 1, lines 33-45 of Yoshimi. In Yoshimi, a base portion of the instrument panel 1

is an injection-molded product of polypropylene resin having a substantially U-shaped cross-section. A soft intermediate layer 3 of soft polyvinyl chloride resin is coated on the upper surface and both the lateral outside surfaces of the base portion 2. An adhesive layer 4 of polyurethane adhesive is formed on the surface of the soft intermediate layer 3 and a plurality of lengths of pile 5 made of colored polyamide fiber of 0.4 mm long and of 1 denier are shown each having one end secured by the adhesive layer to the base portion 2. A surface coating layer 6 of polyurethane resin cellular paint covers all or part of the pile 5. See column 2, lines 17-28 of Yoshimi.

As a preliminary matter, the Applicants respectfully submit that Fujita fails to disclose or suggest additional features of the invention beyond those acknowledged in the Office Action. Claim 6 recites a lower layer body made of synthetic resin, and carbon black dispersed in the lower layer body. The Office Action took the position that the foam layer 3 made of low polymerization PVC in Fujita was comparable to the lower layer body recited in claim 6. The Office Action acknowledged that although Fujita does not specifically teach certain fillers in the paragraph discussed in the foam layer, "Fujita does teach that common fillers include carbon black." See page 3, lines 16-17 of the Office Action. The Applicants note carbon black as a filler in the high polymerization PVC.

The Applicants respectfully submit, however, that Fujita does not disclose or suggest that carbon black is a "common filler" for the low polymerization PVC disclosed in Fujita. Further, there is no disclosure or suggestion in Fujita of using the same fillers disclosed for the high polymerization PVC in the low polymerization PVC of the foam layer 3. Specifically, carbon black as a filler for the high polymerization PVC is not a

teaching of carbon black for a low polymerization PVC, at least because the high polymerization PVC forms a surface layer and the low polymerization PVC forms the foam layer. Further the high polymerization PVC has a different P value from the low polymerization PVC, and thus, different characteristics. See In re Burt, 148 USPQ 548 (CCPA 1996) (Silence in a reference is not a proper substitute for adequate disclosure of facts from which a conclusion of obviousness may justifiably follow.) As such, Fujita fails to disclose or suggest additional features of the invention recited in claim 6, beyond those acknowledged in the Office Action.

The Applicants respectfully submit that the Yoshimi fails to cure the deficiencies in Fujita with respect to claims 1 and 6. As noted above, claim 1 recites a skin body made of a synthetic resin wherein the surface of the skin is a sueded, roughened surface having pluralities of recesses and projections. Claim 6 recites an upper layer having an upper layer body made of a synthetic resin wherein the surface of the upper layer is a sueded, roughened surface having pluralities of recesses and projections. In contrast, Yoshimi discloses a plurality of lengths of pile 5 made of colored polyamide fiber of 0.4 mm long secured by the adhesive layer to the base portion 2. See column 2, lines 25-28 of Yoshimi. Yoshimi discloses a coating layer 6 on the pile 5, the coating layer being made of a polyurethane resin cellular paint having fine bubbles therein and producing a velvety touch. The piles 5 in Yoshimi are not comparable to a sueded, roughened surface having pluralities of recesses and projections, at least because the piles are not a roughened surface, but a coated surface.

The Office Action took the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a velvety, suede-like

finish as suggested by Yoshimi on the surface of the panel of Fujita. However, the velvety finish of the piles 5, as disclosed in Yoshimi is not comparable to the roughened surface of a synthetic resin having pluralities of recesses and projections as recited in claims 1 and 6.

As such, Yoshimi fails to cure the deficiencies in Fujita as Yoshimi does not disclose or suggest at least the synthetic resin wherein the surface is a sueded, roughened surface having pluralities of recesses and projections, as recited in claims 1 and 6. Therefore, the combination of Yoshimi and Fujita fails to disclose or suggest at least the combination of features of a skin body made of a synthetic resin wherein the surface of the skin is a sueded, roughened surface having pluralities of recesses and projections, as recited in claim 1; and an upper layer having an upper layer body made of a synthetic resin wherein the surface of the upper layer is a sueded, roughened surface having pluralities of recesses and projections, as recited in claim 6. Yoshimi further fails to cure the deficiencies in Fujita with respect to claim 6, as Yoshimi also does not disclose or suggest at least the combination of features of a lower layer body made of the synthetic resin, and carbon black dispersed in the lower layer body, as recited in claim 6.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita and Yoshimi as applied above, and further in view of Hutchinson et al. (GB 2,331,525, "Hutchinson"). Fujita and Yoshimi were cited for disclosing many of the claimed elements of the invention with the exception of polyvinyl chloride additionally including an amine-based stabilizer. Hutchinson was cited for curing this deficiency.

Hutchinson discloses a composition for topical treatment of vinyl surfaces for protection against environmental exposure and deterioration caused by ultraviolet light comprising from 0.01 to 20 weight percent of at least one hindered amine light stabilizer. See the Abstract of Hutchinson.

Claim 13 depends from claim 1. As discussed above, the combination of Fujita and Yoshimi does not disclose or suggest at least the combination of features of the surface of the skin being a sueded, roughened surface having pluralities of recesses and projections, as recited in claim 1. Hutchinson fails to cure the deficiencies in the combination of Fujita and Yoshimi as Hutchinson also does not disclose or suggest at least the combination of features of the surface of the skin being a sueded, roughened surface having pluralities of recesses and projections. As such, the combination of Fujita, Yoshimi and Hutchinson fails to disclose or suggest each and every feature of the invention as recited in claim 1, and therefore, dependent claim 13.

Under U.S. patent practice, the PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the

reference to do so. See also In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Office Action restates the advantages of the present invention to justify the combination of references. There is, however, nothing in the applied references to evidence the desirability of these advantages in the disclosed structure.

In view of the above, the Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness for purposes of a rejection of claims 1, 6 and 13-15 under 35 U.S.C. §103.

Conclusion

Claims 13 and 14 depend from claim 1 and claim 15 depends from 6. The Applicants respectfully submit that these dependent claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicants respectfully request withdrawal of the rejections, allowance of claims 1, 6 and 13-15, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to counsel's Deposit Account No. 01-2300, referencing Attorney Dkt. No. 107348-00119.

Respectfully submitted,



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